

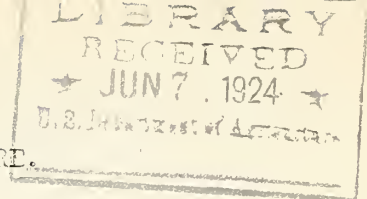
## **Historic, Archive Document**

Do not assume content reflects current scientific knowledge, policies, or practices.



Bi-453  
Mar. '19

UNITED STATES DEPARTMENT OF AGRICULTURE.  
Bureau of Biological Survey.  
Washington,



March 20, 1920.

MEMORANDUM FOR UNITED STATES GAME WARDENS CONCERNING THE RIGHTS OF INDIANS  
TO HUNT ON AND OFF THEIR RESERVATIONS.

Section 2145, Revised Statutes. Except as to crimes the punishment of which is expressly provided for in this Title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

Section 2146, Revised Statutes. The preceding section shall not be construed to extend to crimes committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

In an Act passed in 1805 the United States also asserted its right to exercise its jurisdiction over the Indians for certain crimes committed by them while within and occupying any of the Indian country, that is, Indian reservations. The crimes enumerated did not include hunting or fishing. The hunting and fishing rights were generally reserved to the Indians by treaty, and offenses against either Federal or State game and fish laws committed by Indians on their reservations are left to the action of the tribal authorities.

Should offenses against the Migratory Bird Treaty Act become serious it is barely possible that appropriate action may be taken through the Department of the Interior for the opening of negotiations with the Indians for the enactment of tribal laws conforming to the Federal regulations.

United States Game Wardens have no authority to arrest Indians for committing violations while on their reservations, even though the permission of the superintendents in charge of the reservations is first obtained. Persons other than Indians, however, may be arrested for violating the Federal laws on Indian reservations and the permission or sanction of the superintendents of the reservations is not necessary to authorize the arrests.

A handwritten signature in cursive script, reading "E. C. Sawyer".

CHIEF U. S. GAME WARDEN.

